
Judiciary Committee

HB 3175

Title: An act relating to the election of judges.

Brief Description: Requiring the election of judges at the general election.

Sponsors: Representatives Hinkle and Dunn.

Brief Summary of Bill
<ul style="list-style-type: none">Provides that the top two vote-getters in a contested primary for a judicial position must appear on the general election ballot, even if one candidate receives more than 50 percent of the vote in the primary.

Hearing Date: 1/30/06

Staff: Edie Adams (786-7180).

Background:

The state's election laws specify that in a contested primary for a nonpartisan office, the top two vote-getters appear on the general election ballot. However, a different rule applies with respect to the nonpartisan office of the Superintendent of Public Instruction and nonpartisan judicial positions for the Supreme Court, court of appeals, superior court, and district court. In these races, if a candidate receives more than 50 percent of the vote in a contested primary, only that candidate's name appears on the general election ballot for that position.

Elections for superior court judge positions are also governed by Article IV, section 29 of the Washington Constitution. This provision states that if after a contested primary for superior court judge only one candidate is entitled to have his or her name printed on the general election ballot for a single position, no election is held as to that position, and the candidate is issued a certificate of election. The certificate of election is not issued if a write-in campaign submits a petition of 100 signatures within 10 days after the primary.

The effect of this constitutional provision is that, with respect to superior court judges, if one candidate receives more than 50 percent of the vote in a contested primary, that candidate is elected in the primary and does not appear on the general election ballot (unless a valid write-in campaign petition is submitted). A measure introduced this session (HJR 4224) proposes removing this provision from the state constitution.

Summary of Bill:

The election laws relating to contested judicial races are amended so that a judicial candidate in a contested primary is no longer entitled to appear uncontested in the general election when that candidate receives more than 50 percent of the vote in the primary. In a contested primary election for a position on the Supreme Court, court of appeals, superior court, and district court, the top two vote-getters in the primary will appear on the general election ballot.

Amendments are made to provisions relating to lapses in elections and voids in candidacies with respect to superior court judge positions to conform to the proposed constitutional amendment (HJR 4224), which is a prerequisite to implementation of the provisions of this act.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect on Jan. 1, 2007 if the proposed amendment to Article IV, section 29 of the Washington Constitution (HJR 4224) is ratified.